

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPECIALTY NATIONAL INSURANCE CO.,

Plaintiff,

v.

ENGLISH BROTHERS FUNERAL HOME,

Defendant.

No. 1:07-cv-07507 (SHS)

**ELECTRONICALLY
FILED**

**AFFIDAVIT OF TIMOTHY E. DELAHUNT IN OPPOSITION TO SPECIALTY
NATIONAL INSURANCE COMPANY'S MOTION FOR SUMMARY
JUDGMENT AND IN SUPPORT OF ENGLISH BROS. FUNERAL HOMES'
CROSS-MOTION FOR SUMMARY JUDGMENT**

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

I, Timothy E. Delahunt, being duly sworn, state:

1. I am an attorney at law licensed to practice in New York State and admitted before the Court. I am a partner in the firm Kenney Shelton Liptak Nowak LLP, attorneys for defendant Frank Restivo Funeral Home, Inc. d/b/a English Bros. Funeral Home (named in the caption as English Brothers Funeral Home) ("English Brothers"). I am familiar with the facts and proceedings herein. I make this affidavit in opposition to the motion for summary judgment by plaintiff Specialty National Insurance Company ("Specialty National") and in support of English Bros.' cross-motion for summary judgment.

2. Attached hereto as Exhibit 1 is a true and correct copy of an Associated Press release dated March 19, 2008 entitled "Leader of Body Parts Scheme Makes Plea," which I accessed and printed from Westlaw on April 24, 2008.

3. Attached hereto as Exhibit 2 is a true and correct copy of a story in the Staten Island *Advance* entitled "Island Man Convicted in Sale of Body Parts," which I accessed and printed from Westlaw on June 2, 2008.

4. Attached hereto as Exhibit 3 is a true and correct copy of a March 22, 2006 letter from Network Adjusters, Inc. (as the authorized claim administrator for Specialty National) to English Bros.

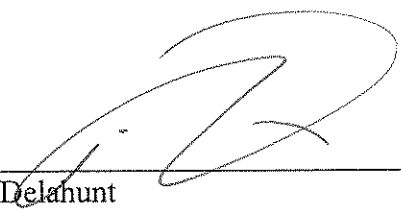
5. Attached hereto as Exhibit 4 is a true and correct copy of a July 31, 2006 letter from Network Adjusters, Inc. (as the authorized claim administrator for Specialty National) to English Bros.

6. Attached hereto as Exhibit 5 is a true and correct copy of the relevant portions of an insurance policy issued by Specialty National (No. 3XZ17069401) to English Bros. for the period August 1, 2002 to August 1, 2003.

7. Attached hereto as Exhibit 6 is a true and correct copy of the relevant portions of an insurance policy issued by Westport Insurance Corporation (No. DCB 10028) to English Bros. for the period August 1, 2003 to August 1, 2004.


8. Attached hereto as Exhibit 7 is a true and correct copy of Specialty National's complaint in this action.

9. Attached hereto as Exhibit 8 is a true and correct copy of English Bros.'
answer in this action.



Timothy E. Delahunt

Sworn to before me on June 6, 2008



Notary Public

AMY A. GUST
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN NIAGARA COUNTY
My Commission Expires May 31, 2010